

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**ABDUL AL-MUMIT ASAD SHARIFF,  
# 49732, a/k/a CHRISTOPHER  
THOMAS LEWIS**

**PETITIONER**

**v.**

**CIVIL ACTION NO. 1:23CV47-LG-BWR**

**BURL CAIN**

**RESPONDENT**

**ORDER SEVERING NON-HABEAS CLAIMS**

BEFORE THE COURT is *pro se* Petitioner Abdul Al-Mumit Asad Shariff, also known as Christopher Thomas Lewis's Petition for Writ of Habeas Corpus [1]. He is incarcerated with the Mississippi Department of Corrections and brings this action under 28 U.S.C. § 2254, challenging his conviction. He seeks damages and release. The Court has considered and liberally construed the pleadings.

To the extent Petitioner seeks release, he must pursue a writ of habeas corpus. *Orellana v. Kyle*, 65 F.3d 29, 31 (5th Cir. 1995). To the extent he seeks damages, then the case may be cognizable under 42 U.S.C. § 1983. *Id.* "If such a § 1983 complaint contains both habeas and § 1983 claims, the district court should separate the claims and decide the § 1983 claims." *Id.* Therefore, the non-habeas claims are severed from this case. Rather than require him to file the civil rights claims again, the Court directs the Clerk of Court to file a copy of the Petition [1], application [2] to proceed *in forma pauperis*, Motion to Provide Tangible Documents [3], Motion to Compel and Compensate as a Court Appointed Expert Witness [4],

and this Order and open a new case on the § 1983 claims for damages. The habeas claims for release remain.

**IT IS THEREFORE ORDERED AND ADJUDGED** that, for the reasons stated above, the non-habeas claims are **SEVERED**. The Clerk of Court shall open a new 42 U.S.C. § 1983 civil action on the civil rights claims, and therein file a copy of the Petition [1], application [2] to proceed *in forma pauperis*, Motion to Provide Tangible Documents [3], Motion to Compel and Compensate as a Court Appointed Expert Witness [4], and this Order. The habeas claims shall proceed in the instant civil action.

**SO ORDERED AND ADJUDGED** this the 27<sup>th</sup> day of February, 2023.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.  
UNITED STATES DISTRICT JUDGE